

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CATHERINE WATKINS,

Plaintiff,

V.

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE, IN TRUST
FOR NEW CENTURY HOME EQUITY
LOAN TRUST 2005-2,**

Defendant.

[illegible]

CIVIL ACTION NO. 4:20-cv-2037

**DEFENDANT’S NOTICE OF NO RESPONSE TO DEFENDANT’S MOTION
FOR SUMMARY JUDGMENT**

Defendant in the above-captioned case, Deutsche Bank National Trust Company, As Indenture Trustee, for New Century Home Equity Loan Trust 2005-2, incorrectly named as Deutsche Bank National Trust Company, As Trustee, In Trust for New Century Home Equity Loan Trust 2005-2, (“***Deutsche Bank***” or “***Defendant***”) files this Notice of No Response to its Motion for Summary Judgment (Doc. No. 8), and would respectfully show the court as follows:

1. Plaintiff Catherine Watkins (“***Plaintiff***”) filed her Original Verified Petition and Application for Temporary Restraining Order and Temporary Injunctions (the “***Complaint***”) (Doc. No. 1-1) in the 281st Judicial District Court, Cause No. 2020-32766 on June 1, 2020.¹ Defendant removed the matter to this Court on June 10, 2020.²

2. Deutsche Bank filed its Motion for Summary Judgment (the “***Motion***”) under Fed. R. Civ. P. 56 on September 21, 2020 (Doc. No. 8) requesting the Court grant summary judgment

¹ See Defendant's Notice of Removal, Doc. No. 1, ¶1.

² *Id.*

in favor of Defendant on all of Plaintiff's claims. The Motion was served on counsel for Plaintiff via ECF that same day.

3. On October 9, 2020, Plaintiff filed her Unopposed Motion to Extend Time to Respond to Defendant's Motion for Summary Judgment (Doc. No. 9). On October 13, 2020, the Court signed an order granting the motion for extension and ordered Plaintiff to file her response to the Motion "on or before October 26, 2020."³

4. Plaintiff has failed to file a response to the Motion and, as such, the Court may consider it unopposed.⁴

5. Defendant requests the Court consider Defendant's Motion as unopposed and that judgment for Defendant be entered after the Court considers the substance of its Motion.

Accordingly, Defendant respectfully request the Court grant its Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56 and for all other and further relief to which it has shown itself entitled at law or in equity.

Respectfully submitted,

By: /s/ Matt D. Manning
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³ See Order, Doc. No. 10.

⁴ See Local Rule 7.4 ("Failure to respond will be taken as a representation of no opposition."). See also *Stevenson v. Fort Bend County*, No. H-05-2656, 2006 U.S. Dist. LEXIS 81319, 2006 WL 3245755 n. 2 (S.D.Tex., Nov. 7, 2006) ("Plaintiff filed no response to either of these motions, thereby representing that she is unopposed to them."). See also *Villegas v. Grace Disposal Systems, LLC*, No. H-13-320, 2013 U.S. Dist. LEXIS 154570, 2013 WL 5816554 at *1 (S.D.Tex., Oct. 29, 2013) ("If a response is not filed by the submission day, it will be taken as a representation of no opposition." (quotation marks omitted)).

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on October 30, 2020, I filed the foregoing Defendant's Notice of No Response to Defendant's Motion for Summary Judgment with the court by operation of the court's electronic filing system and served a copy of said motion on all counsel of record by email and/or ECF notification as follows:

Via Email and/or Electronic Court Notification

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